

WASHINGTON DISCIPLINE SYSTEM

2020 Annual Report



WASHINGTON STATE
BAR ASSOCIATION

WASHINGTON DISCIPLINE SYSTEM

2020 Annual Report



Washington State Bar Association

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EXECUTIVE SUMMARY

The Washington State Bar Association (WSBA, Bar) is pleased to present the 2020 Discipline System Annual Report.¹ This report is published to share publicly available information about the operations of Washington’s lawyer and limited license practitioner discipline system.

The Washington Supreme Court has exclusive governmental responsibility over the discipline system, many aspects of which are delegated by court rule to be administered by the WSBA. Consistent with the Supreme Court’s mandate in **General Rule (GR) 12.2**, the WSBA administers an effective system of discipline to fulfill its obligations to protect the public and ensure the integrity of the profession. The WSBA’s lawyer discipline functions are discharged primarily by the WSBA’s Office of Disciplinary Counsel (ODC), the WSBA’s Office of General Counsel (OGC), the Disciplinary Board, and Washington Supreme Court-appointed hearing officers. The WSBA discipline functions for limited licenses to practice law are discharged by ODC and the WSBA’s Regulatory Services Department (RSD), each license’s respective Supreme Court regulatory board, OGC, and Washington Supreme Court-appointed hearing officers.

Key components include:

- Reviewing and investigating allegations of ethical misconduct and incapacity;
- Prosecuting violations of the applicable ethical rules;
- Seeking and approving the transfer of practitioners to disability inactive status;
- Addressing less serious matters with diversion;
- Informing the public about licensed legal professionals, the legal system, and means to address difficulties involving lawyers and other licensed legal professionals;
- Informally resolving non-communication issues and file disputes (disputes regarding clients requesting their files);
- Administering a random examination program to assess trust account compliance and to educate practitioners on the proper handling of client funds held in trust;
- Administering the Client Protection Fund;
- Educating practitioners about the discipline system and their ethical responsibilities; and
- Participating in the development and improvement of the law of ethics and discipline.

This report summarizes the WSBA’s efforts in these areas and highlights accomplishments from the 2020 calendar year.

In 2020, ODC lawyers and auditors appeared as speakers in twelve programs around the state, at national conferences, and in webinars and webcasts, educating lawyers, law students, and legal professionals on topics of trust account recordkeeping and compliance, the discipline system, women in law, ethics in the time of COVID-19, and the impact of COVID-19 on proceedings.

The WSBA Professional Responsibility Program—which is distinct from and independent of the discipline system—also provides ethics education and outreach to practitioners. In fiscal year 2020, Professional Responsibility Program staff provided ethics advice to 2,325 callers and educated members at 35 programs around the state, including live, webinar, and webcast events.

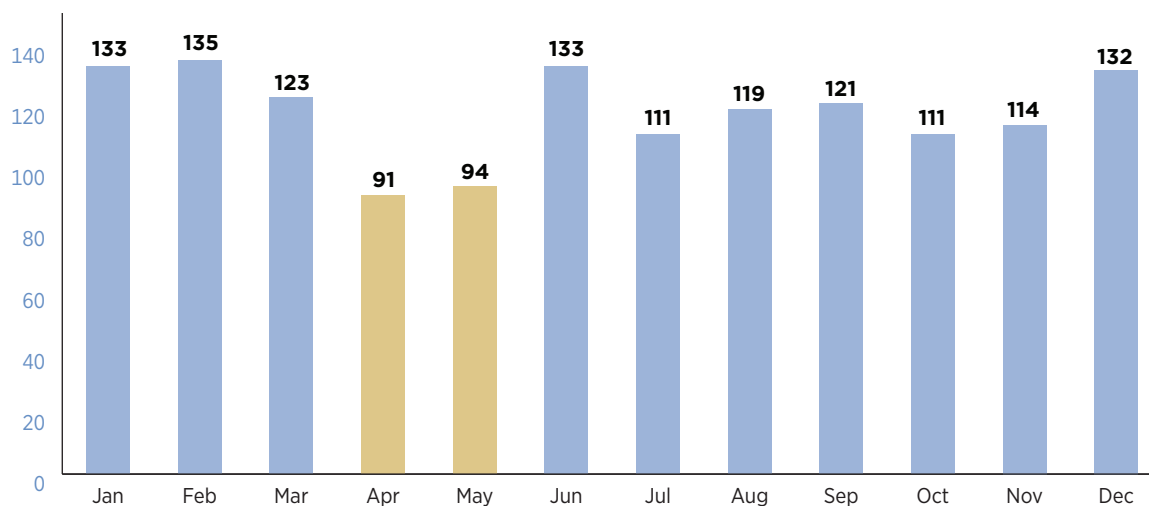
¹ For purposes of this report, references to “the discipline system” encompass both the discipline and disability systems.

COVID-19 AND THE DISCIPLINE SYSTEM

WSBA's physical office closed to the public in March 2020. After WSBA offices closed, the vast majority of the WSBA staff began working 100% remotely. Shortly thereafter, the Washington Supreme Court and the Chief Hearing Officer and Disciplinary Board Chair entered orders regarding modified procedures during the pendency of the COVID-19 public health emergency for matters in the licensed legal professional discipline and disability system. The temporary orders allowed for electronic communications as a primary method of communication during the public health crisis.

The COVID-19 crisis affected the number of grievances filed during calendar year 2020. Since April 2020, the discipline system has seen material fluctuations in grievance filing numbers. The following chart details the variations month-by-month in the number of grievance files opened. Notably, in April and May, grievance numbers dropped significantly, but then rebounded in June, and by December the filings appeared to have returned to the pre-COVID-19 volume.

2020 Number of Grievances Opened



Recognizing the difficulties facing the membership during COVID, in March 2020 ODC placed the random trust account examination program in abeyance. From March 2020 to the end of the calendar year, two default disciplinary hearings were completed, but otherwise no disciplinary hearings were held. Following objections to the scheduling of either in-person or remote hearings, continuances were ordered during the pendency of the public health emergency.

While the parties awaited further adjudicative guidance and decision-making on this issue, several remote depositions and settlement conferences took place, and a number of matters resolved by stipulation or resignation in lieu of discipline. Calendar year 2021 is expected to be a busy one for adjudicated proceedings as the system recommences the adjudication and resolution of pending matters continued in 2020.

THE LAWYER DISCIPLINE SYSTEM

The Washington discipline system for lawyers is composed of a number of entities that operate as part of the judicial branch of government under the authority of the Washington Supreme Court. The lawyer discipline system is administered by the WSBA, which operates the investigative and prosecutorial functions separately from the adjudicative functions. ODC oversees the investigative and prosecutorial functions.

OGC provides administrative and legal support to the hearing officers and the Disciplinary Board, which carry out the adjudicative and decision-making functions. OGC further manages the records for disciplinary proceedings. See [LPO and LLLT Discipline System](#) later in this Report for details about the discipline system for limited license legal professionals.

STRUCTURE OF THE LAWYER DISCIPLINE SYSTEM

<p>WSBA Office of Disciplinary Counsel</p>	<ul style="list-style-type: none"> ■ Answers public inquiries and informally resolves disputes ■ Receives, reviews, and may investigate grievances ■ Recommends disciplinary action or dismissal ■ Diverts grievances involving less serious misconduct ■ Recommends disability proceedings ■ Presents cases to discipline-system adjudicators
<p>Hearing Officers</p>	<ul style="list-style-type: none"> ■ Conduct evidentiary hearings and other proceedings ■ Conduct settlement conferences ■ Approve stipulations to admonition and reprimand
<p>Disciplinary Board</p>	<ul style="list-style-type: none"> ■ Reviews recommendations for proceedings and disputed dismissals ■ Serves as intermediate appellate body ■ Reviews hearing records and stipulations
<p>Washington Supreme Court</p>	<ul style="list-style-type: none"> ■ Exclusive governmental responsibility for the system ■ Conducts final appellate review ■ Orders sanctions, interim suspensions, and reciprocal discipline

THE OFFICE OF DISCIPLINARY COUNSEL

ODC is responsible for reviewing, investigating, and prosecuting grievances about the ethical conduct of Washington lawyers and allegations of incapacity to practice law.

ODC has one intake unit, three investigation/prosecution units, one unit of investigators, one unit of paralegals, and one unit of auditors. The intake unit receives inquiries and written grievances and conducts the first review of grievances against lawyers. Some grievances are dismissed at the intake stage, while others are referred for further investigation by ODC investigation/prosecution staff, which includes disciplinary counsel, investigators, paralegals, and administrative assistants.

After investigation, disciplinary counsel determine whether grievances should be dismissed or reported to a review committee of the Disciplinary Board. Some less serious matters are diverted from discipline. Rule 6.2 of the Rules for Enforcement of Lawyer Conduct (ELC) sets forth criteria for determining what conduct may qualify as “less serious misconduct.”

Disciplinary counsel prosecute matters ordered to hearing by a review committee of the Disciplinary Board. If a hearing-level decision is appealed, disciplinary counsel briefs and argues the appeal to the Disciplinary Board and, in some cases, the Supreme Court.

REVIEW COMMITTEES OF THE DISCIPLINARY BOARD

Administered by OGC

Four review committees, each composed of two lawyer members and one community representative member of the Disciplinary Board, serve an oversight function in the lawyer discipline system, first to consider grievant appeals of disciplinary counsel dismissals, and second to consider disciplinary counsel recommendations for admonitions or public disciplinary hearings.

Among other actions, a review committee may dismiss a matter, order further investigation, issue an admonition, or order a hearing. Review committees also have authority to order a hearing regarding a lawyer’s alleged incapacity to practice law. The WSBA’s OGC provides staff for legal and administrative support to the four review committees.

HEARING OFFICERS

Administered by OGC

Volunteer hearing officers preside over hearings for disciplinary and disability cases. They receive evidence and issue findings, conclusions, and a recommendation on the discipline to be imposed, if any. Hearing officers also conduct settlement conferences in many discipline cases. In disability proceedings, hearing officers make recommendations regarding whether a respondent

lawyer should be transferred to disability inactive status. They are also authorized to resolve cases by approving stipulations to reprimand, admonition, or dismissal. A Chief Hearing Officer supervises the hearing officers, assigns cases, assists with training, and monitors hearing officer performance. The WSBA’s OGC provides staff for legal and administrative support to hearing officers.

DISCIPLINARY BOARD

Administered by OGC

In addition to its review committee functions, the Disciplinary Board, composed of volunteer lawyers and community representatives, considers appeals of hearing officer decisions. The Disciplinary Board reviews the record when a respondent lawyer or disciplinary counsel has filed an appeal of the hearing officer’s recommendation in a disciplinary matter. The Board also reviews appeals of lawyer disability cases and may review suspension and disbarment recommendations.

If requested, the Board hears oral argument on the cases much like an appellate court, and then issues its decision. The Board also reviews stipulations submitted by the parties, which, if approved, will resolve the proceeding without a hearing. The WSBA’s OGC provides staff for legal and administrative support to the Disciplinary Board in the performance of its adjudicative functions.

WASHINGTON SUPREME COURT

The Washington Supreme Court has inherent and plenary authority to regulate the practice of law, including the power to dispose of individual cases of lawyer discipline. All proceeding resolutions are sent to the Court, except for dismissals. The Court reviews the Disciplinary Board's suspension and disbarment recommendations, which are appealable as a matter of right. The Court also considers petitions for discretionary review of other dispositions. Disciplinary and disability cases appealed to the Supreme Court, like other Supreme Court appeals, proceed with briefing and oral argument, followed by a written opinion by the Court.

The Supreme Court may order reciprocal discipline of lawyers who have been disciplined in other jurisdictions, and order interim suspension of a lawyer if the Disciplinary Board recommended disbarment or if the lawyer was convicted of a crime, poses a risk of serious harm to the public, fails to cooperate with a disciplinary investigation, or asserts the lawyer's own incapacity to defend against a disciplinary proceeding.

2020 BY THE NUMBERS



32,949
Actively Licensed Lawyers



1,417
Grievance Files Opened



21
Public Formal Complaints Filed



3
Disciplinary Hearings



47
Disciplinary Actions Imposed



1
Supreme Court Opinion

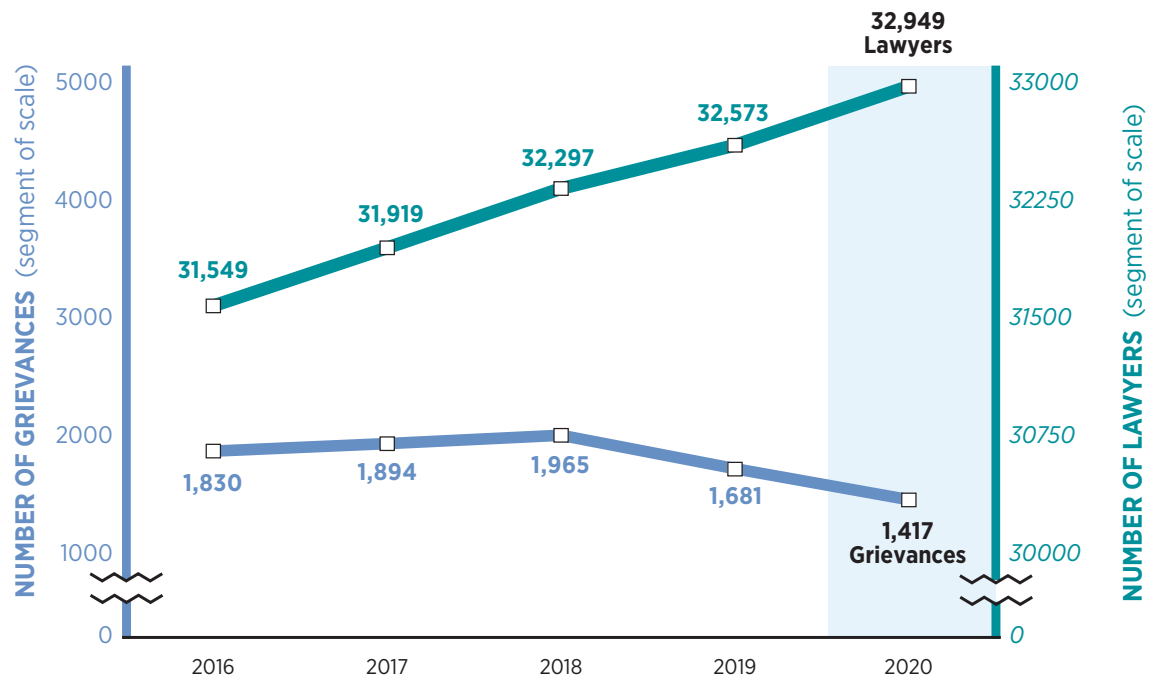
LAWYER GRIEVANCE AND ODC STATISTICS

DISCIPLINARY GRIEVANCE STATISTICS

The following statistics relate to the intake, investigation, and prosecution by ODC of grievances against lawyers in the 2020 calendar year.

Disciplinary Grievances, Informally Resolved Matters, and Public Inquiries	2018	2019	2020
Disciplinary Grievances Received	1,965	1,681	1,417
Disciplinary Grievances Resolved ²	2,011	1,737	1,331
Non-Communication Matters Informally Resolved	142	156	95
File Disputes Informally Resolved	61	68	68
Public Inquiries, Phone Calls, Emails, & Interviews	4,451	3,986	2,198 ³

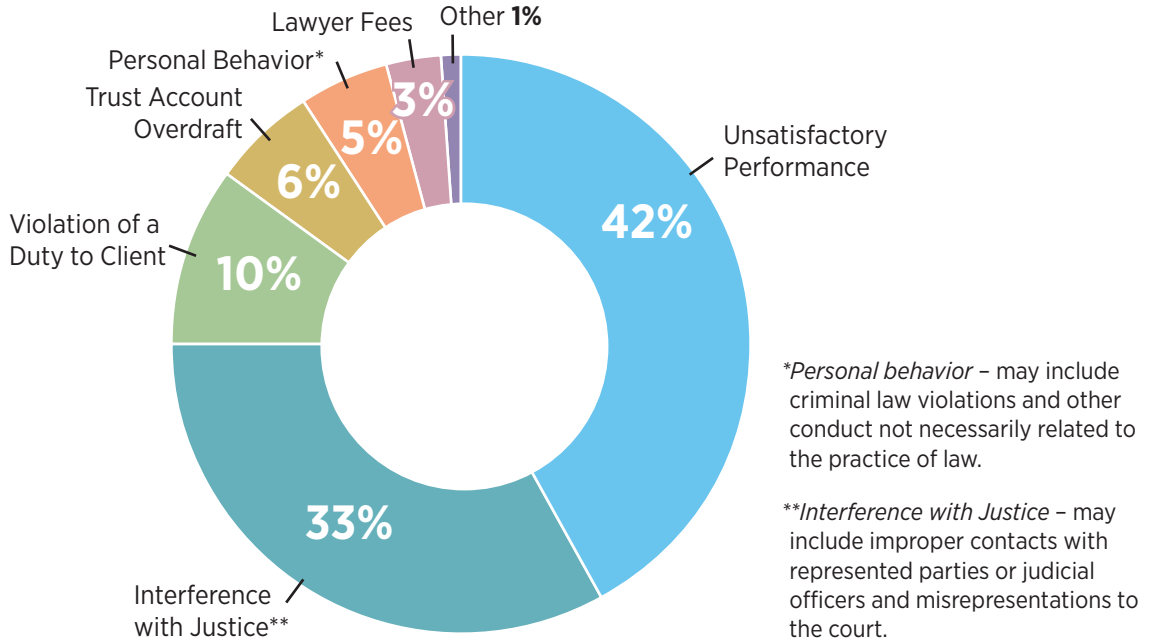
2016 – 2020 Grievances Received in Relation to Number of Licenses Lawyers



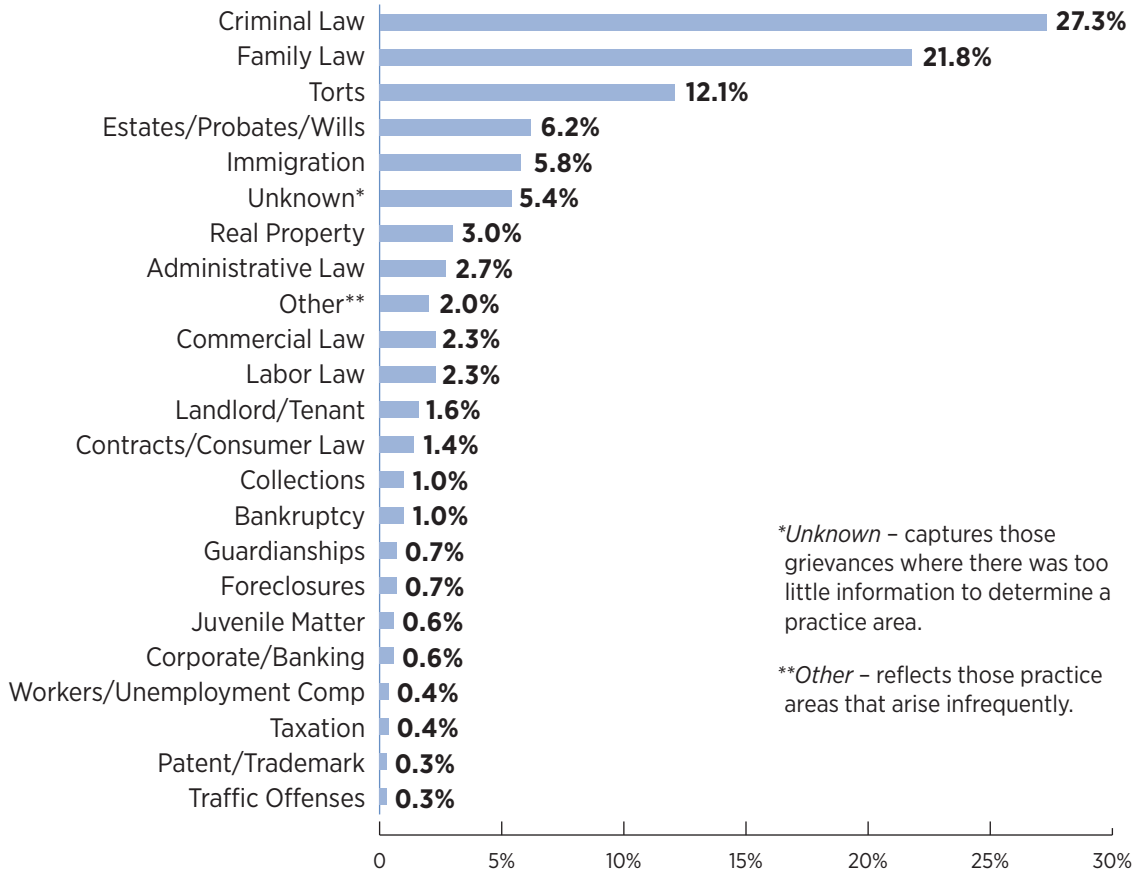
² “Grievances resolved” include all grievances that closed during the calendar year, including, but not limited to, grievances that were dismissed in intake or after investigation and those for which disciplinary action was imposed.

³ Due to COVID-related work disruptions in 2020, the number reported under “Public Inquiries, Phone Calls, Emails, & Interviews” is lower than expected based upon prior-year figures and may be slightly underreported, specifically with respect to email inquiries.

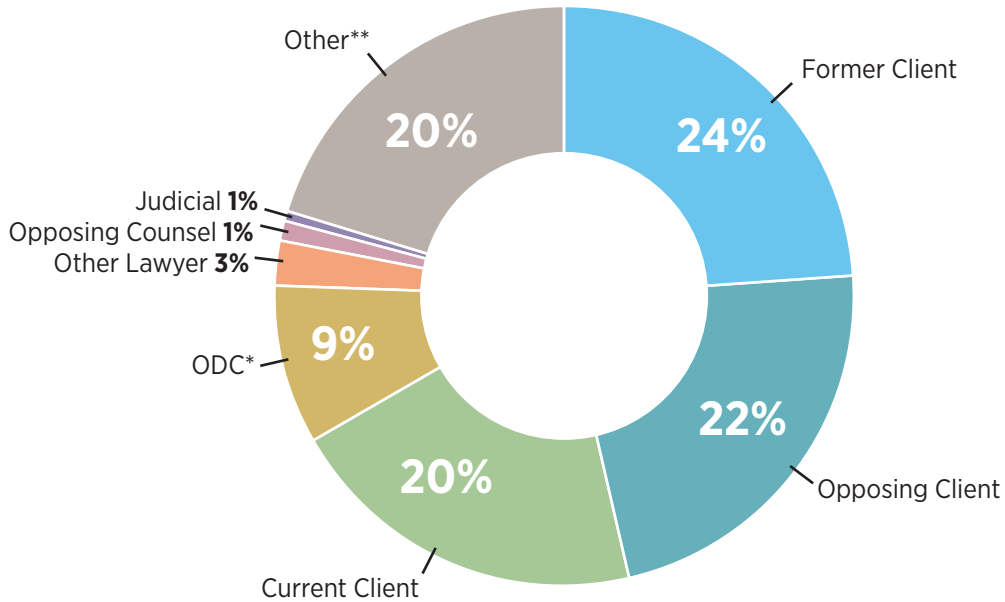
2020 Nature of Grievances



2020 Practice Areas of Grievances



2020 Sources of Grievances Filed



*ODC - includes files opened in the name of ODC when potential ethical misconduct comes to the attention of disciplinary counsel by means other than the submission of a grievance (e.g. news articles, notices of criminal conviction, trust account overdrafts, etc.) or through confidential sources.

**Other - may include grievances filed by family members, neighbors, non-client members of the public, or other individuals.

DIVERSION

For less serious misconduct, ODC may divert a grievance from discipline if the lawyer agrees to a diversion contract. A successfully completed diversion results in dismissal of the grievance.

If the lawyer fails to complete the diversion contract, the grievance is reinstated and may result in public disciplinary action.⁴

Diversions	2018	2019	2020
New Diversions	26	22	18
Completed Diversions	11	26	21
Failed to Complete Contract	1	3	0

⁴ Total completed diversions include diversions entered into in the prior reporting year but completed in the reporting year.

AUDITOR ACTIVITIES

Washington lawyers who maintain client trust accounts must hold those accounts with financial institutions that report any overdraft of funds to the WSBA. Auditors in ODC assist in the investigation and resolution of grievances opened because of overdraft notices. Auditors also assist in the investigation of grievance files involving trust account issues, conduct random examinations of lawyer trust accounts to ensure compliance with the ethics rules, and review trust account records for lawyers on disciplinary probation.

As of March 31, 2020, the random examination program was temporarily placed in abeyance due to the Covid-19 health crisis.

Auditor Activities	2018	2019	2020
New Overdraft Files	106	95	65
Overdraft Files Closed	105	90	79
Investigation File Assignments	16	22	16
Random Examinations	80	60	20
Re-examinations	2	0	1

LAWYER HEARINGS AND APPEALS

REVIEW COMMITTEES

In 2020, the review committees of the Disciplinary Board met 16 times to consider 375 matters, including review of dismissals; admonition, advisory letter, and hearing recommendations; and other requests, e.g. deferrals of investigation, orders for costs, and other non-routine matters.

Review Committee Decisions	2018	2019	2020
Dismissals	466	357	269
Orders to Hearing	51	52	42
Other (Deferrals, Costs, etc.)	17	22	26
More Investigation	19	13	33
Advisory Letters	4	2	4
Admonitions	1	3	1

HEARING OFFICERS

In fiscal year 2020,⁵ 33 volunteer lawyers appointed by the Washington Supreme Court served as hearing officers. In calendar year 2020, 42 disciplinary and nine disability proceeding files were opened.

Hearing Officer Work	2018	2019	2020
Hearings Held	11	6	3
Stipulations Approved	10	11	13
Settlement Conferences Held	7	17	12

⁵ The WSBA's fiscal year is October 1 through September 30.

DISCIPLINARY BOARD

The Disciplinary Board considered 16 disciplinary and disability matters (excluding denials of sua sponte review) and ordered the transfer of six lawyers to disability inactive status.

Disciplinary Board Matters	2018	2019	2020
Cases Reviewed by Appeal	2	1	2
Stipulations Considered	27	23	13
Oral Arguments	1	1	1

WASHINGTON SUPREME COURT

The Supreme Court reciprocally disciplined nine lawyers and suspended four lawyers on an interim basis.

Supreme Court Decisions	2018	2019	2020
Interim Suspensions	18	13	4
Reciprocal Discipline & Disability Ordered	18	13	10
Oral Arguments	6	1	0
Published Opinions	4	0	1

FINAL OUTCOMES IN LAWYER DISCIPLINE CASES

DISCIPLINARY ACTIONS

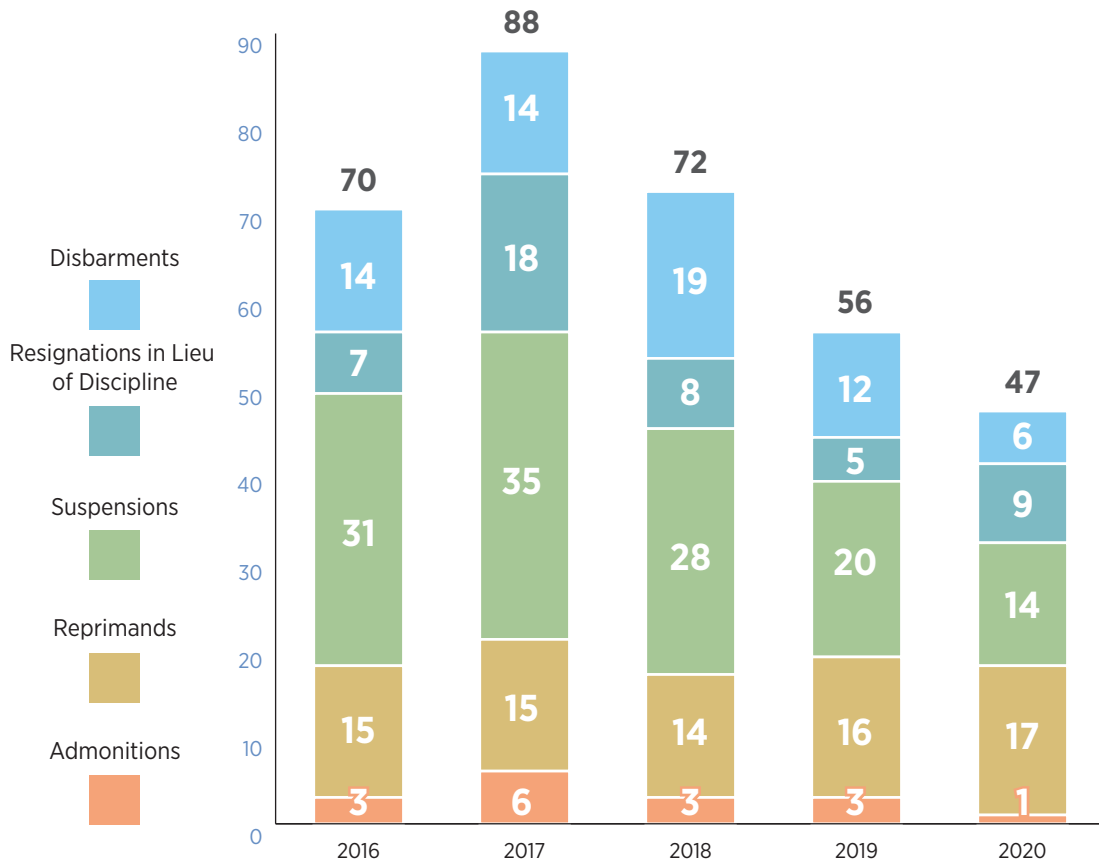
Disciplinary “actions,” which include both disciplinary sanctions and admonitions, result in a permanent public disciplinary record. In order of increasing severity, disciplinary actions are admonitions, reprimands, suspensions, and disbarments. A suspension from the practice of law may be for any period of time not to exceed three years, and may include conditions to be fulfilled by the lawyer before reinstatement. A disbarment revokes the lawyer’s license to practice law. Disbarred lawyers are precluded from seeking readmission to the Bar for five years after disbarment. Only the Washington Supreme Court may order suspension, disbarment, or reinstatement.

Lawyers may also resign in lieu of discipline if they do not wish to defend against allegations of misconduct. A lawyer who resigns in lieu of discipline may not seek reinstatement to the practice of law in Washington.

Review committees of the Disciplinary Board also have authority to issue an advisory letter when it is determined that a lawyer should be cautioned. Advisory letters are neither a sanction nor a disciplinary action and are not public information. For less serious misconduct, a lawyer may be diverted from discipline.

In 2020, 43 lawyers were disciplined and four lawyers had more than one disciplinary action, for a total of 47 disciplinary actions. The following chart reports the number of disciplinary actions imposed over the last five calendar years.

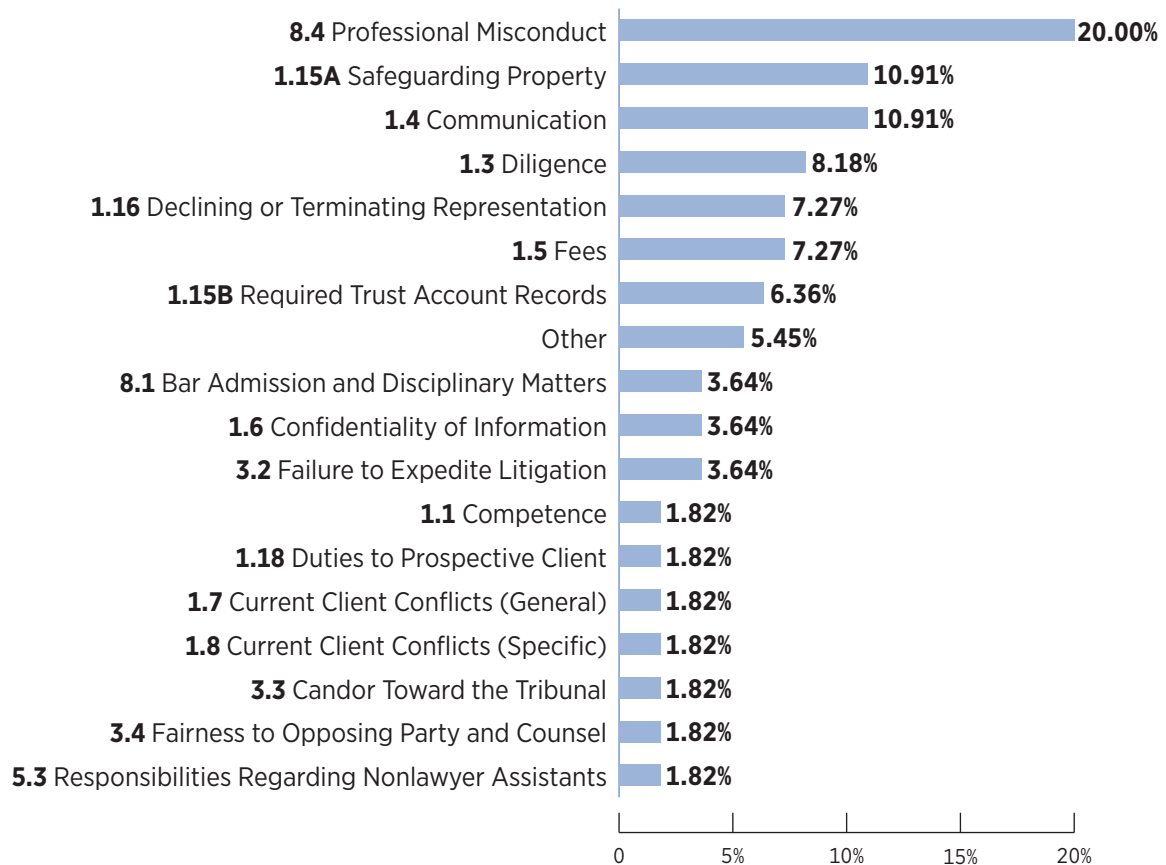
2016 – 2020 Disciplinary Actions



ETHICS RULES VIOLATIONS

In 2020, the most common rule violations in disciplinary proceedings related to professional misconduct (RPC 8.4),⁶ safeguarding client property and trust accounting (RPC 1.15A, 1.15B), communication (RPC 1.4), diligence (RPC 1.3), terminating the representation (RPC 1.16), and fees (RPC 1.5). The following chart details the RPC violations found in 2020 by percentage.^{7 8} To review these and other RPC, visit the Washington Supreme Court's website at www.courts.wa.gov.

2020 Ethics Rules Violations



6 RPC 8.4 violations may include, among other misconduct, criminal conduct, dishonesty, and conduct prejudicial to the administration of justice.

7 The Ethics Rules Violations graph does not reflect multiple repeat rule violations in the same proceeding. Additionally, the chart does not reflect reciprocal discipline matters, as the applicable ethics rules vary among jurisdictions.

8 "Other" reflects those RPC that individually amounted to less than 1% of the RPC violations found in 2020, including RPC 1.9 (duties to former clients), RPC 3.1 (meritorious claims and contentions), RPC 4.1 (truthfulness in statements to others), RPC 4.4 (respect for rights of third person), and RPC 5.5 (unauthorized practice of law; multijurisdictional practice).

LAWYERS DISCIPLINED

2020 Supreme Court Disciplinary Opinion*

In the Matter of the Disciplinary Proceeding Against John Roling Muenster, February 2020

DISBARMENTS (6)

Chan, Alexander Ying-Chi - #41709

DeWig, Angela - #33303

Chan, Alexander Ying-Chi - #41709 (second)

Muenster, John Roling - #6237

Cushman, Jon Emmett - #16547

Smith, Jill J. - #41162

RESIGNATIONS IN LIEU OF DISCIPLINE (9)

Behrends, Clinton Jonathon Sonny - #45371

Piper, Darlene Ann - #24244

Davis, Jerry J. - #33294

Sandlin, J. J. - #7392

Donion, Paul Michael - #25053

Woehler, Jason L. - #27658

Jobson, Mark Conlin - #22171

Wright, Christopher John - #22903

Newell, Gerri M. - #29316

SUSPENSIONS (14)

Anderson, Christopher Craig - #42410

Holady, Mark John - #19662

Anderson, Jesse Thomas - #46426

Huang, Philip - #50689

Booth, Monty James - #19785

Hyde, Tom Steven - #20509

Chun, Alex S. - #26910

Jackman, Chris - #46182

Day, Ross Alan - #30434

Turner, Harold M. - #33341

Dickinson, Christopher John - #18269

Witte, Ann Berryhill - #6323

Hernandez, Ligia Isela - #26835

Yunker, Conrad Erhardt - #17765

REPRIMANDS (17)

Bakalian, Allan Byers - #14255

Madison, Roger B. Jr - #15338

Carroll, Michael Earl - #13092

McMullen, Cynthia Ellen - #9027

Collins, Tracy Scott - #20839

Perkins, Dean Standish Jr - #15856

Garvey, Stephen Joseph - #13486

Perkins, Dean Standish Jr - #15856 (second)

Gibson, Donna Marie - #33583

Ritter, Abraham J. - #42153

Hale, Leila Louisa - #47247

Rubinstein, Boris - #23055

Jakeman, David A. - #39332

Weaver, Tyler S. - #29413

Jakeman, David A. - #39332 (second)

Weaver, Tyler S. - #29413 (second)

Kourehdar, Nadia Kate - #45597

ADMONITIONS (1)

Nagaich, Rajiv - #32991

*For more information, please visit wsba.org or our webpage on [Professional Discipline](#).

OTHER COMPONENTS OF THE DISCIPLINE SYSTEM

PROBATION AND OTHER CONDITIONS OF DISCIPLINE

Sanctioned or admonished lawyers may be placed on probation for a fixed time period. Conditions of probation may include alcohol and drug treatment, medical care, psychiatric care, office practice or management counseling, and periodic audits.

Other conditions of discipline may include paying restitution to victims and paying the costs of the disciplinary proceeding. A suspension order may also impose conditions that must be complied with prior to reinstatement.

Files Opened for Other Conditions Imposed	2018	2019	2020
Probation	28	19	11
Restitution	19	16	10
Costs	48	43	39

LAWYER DISABILITY MATTERS

Special procedures apply when there is reasonable cause to believe that a lawyer is incapable of properly defending a disciplinary proceeding or incapable of practicing law due to a mental or physical incapacity. Such matters are handled under a distinct set of procedural rules. In some cases, the lawyer must have counsel appointed at the WSBA's expense. In these cases, a determination that the lawyer does not have the capacity to practice law results in a transfer to disability inactive status.

It is also possible for a lawyer to stipulate to a transfer to disability inactive status, and a transfer is required following judicial determination of a lawyer's incapacity, such as involuntary commitment. Although disciplinary procedural rules under the ELC govern disability proceedings, the proceedings are not disciplinary in nature.

Transfers to Disability Inactive	2018	2019	2020
Total	8	5	7

CLIENT PROTECTION FUND

Administered by OGC

The Client Protection Fund Board was established to promote public confidence in the administration of justice and the integrity of the legal profession. Its purpose is to relieve or mitigate a financial loss sustained by a client resulting from a WSBA member's dishonesty or failure to account for money or property entrusted to the WSBA member. The dishonesty or failure to account must have been in connection with the member's practice of law or role as a fiduciary in a matter related to the member's practice of law.

To finance the Fund, WSBA lawyers on active status, lawyers with *pro hac vice* admissions, in-house counsel lawyers, house counsel, foreign law consultants, and limited license legal technicians (LLLTs) pay a \$30 annual assessment imposed by order of the Washington Supreme Court. In 2020, the Fund gave over \$586,000 in gifts.

Client Protection Fund ⁹	2018	2019	2020
Number of Requests Granted	46	48	33
Of These, Number of Lawyers Involved	18	18	16
Total Gifts	\$926,434	\$419,488	\$586,266

9 The [Client Protection Board](#) reports on the WSBA fiscal year, which is October 1 to September 30.

FUNDING THE LAWYER DISCIPLINE SYSTEM

License fees fund the lawyer discipline system – there is no public funding¹⁰

Discipline System Revenue and Expenses ¹¹	2018	2019	2020
Revenue			
Recovery of Discipline Costs	\$84,661	\$72,284	\$99,805
Discipline History Summaries	\$15,899	\$15,952	\$17,292
Misc ¹²	\$4,360	\$1,851	\$2,240
Total Revenue	\$104,920	\$90,087	\$119,337
Expenses			
Investigation/Prosecution	\$5,607,782	\$5,731,477	\$5,944,702
Disciplinary Board Expenses	\$241,434	\$215,526	\$236,779
Hearing Officer Expenses	\$34,368	\$33,868	\$29,058
Total Expenses	\$5,883,584	\$5,980,871	\$6,210,539
Net Total Expenses	\$5,778,664	\$5,890,784	\$6,091,202

¹⁰ Less than two percent of the discipline system budget is funded from alternative revenue sources, including recovery of discipline costs, issuance of discipline history certificates, and recovery of revenue for auditor review of trust account records.

¹¹ Lawyer discipline system expenses are based on the WSBA fiscal year.

¹² Miscellaneous revenue includes audit revenue.

LPO AND LLLT DISCIPLINE SYSTEM

Limited practice officers (LPOs) and limited license legal technicians (LLLTs) are also licensed to practice law by the Washington Supreme Court through regulatory systems administered by the WSBA. LPOs may select, prepare, and complete forms for use in a loan, extension of credit, sale, or other transfer of real or personal property. See Admission and Practice Rule (APR) 12 for more information about the LPO license. LLLTs are licensed to provide limited legal assistance to clients in family law matters. See Admission and Practice Rule (APR) 28 for more information about the LLLT scope of practice.

A Washington Supreme Court-mandated regulatory board oversees each limited license: the Limited Practice Board for LPOs and the Limited License Legal Technician Board for LLLTs. Each licensee is subject to license-specific rules of professional conduct and disciplinary procedural rules. The WSBA administers a discipline system for these licenses.

The key differences between the lawyer discipline system and the limited license discipline systems are as follows:

- (1) each regulatory board acts as the intermediate appellate body, akin to the Disciplinary Board, to review hearing records and stipulations;
- (2) a discipline committee of each regulatory board serves the function of a review committee; and
- (3) RSD staff and the chair of each discipline committee conduct initial review of grievances and make intake decisions.

For both licenses, possible disciplinary actions include revocation, voluntary cancellation in lieu of revocation, suspension, reprimand, and admonition.

To learn more about other licensed legal professionals, visit www.wsba.org.

STATISTICAL INFORMATION

LPO Disciplinary Statistics	2018	2019	2020
Number of Active Licensees	814	838	823
Disciplinary Grievances Received	3	1	3
Disciplinary Grievances Resolved	4	2	2
Matters Diverted	0	0	0
Disciplinary Actions Imposed	1	0	0

LLLT Disciplinary Statistics	2018	2019	2020
Number of Active Licensees	35	38	47
Disciplinary Grievances Received	3	0	0
Disciplinary Grievances Resolved	3	0	0
Matters Diverted	0	0	0
Disciplinary Actions Imposed	0	0	0

NEW PROPOSED DISCIPLINARY PROCEDURAL RULES: RULES FOR DISCIPLINE AND INCAPACITY

Revised Disciplinary Procedural Rules under Consideration by Supreme Court

On Oct. 14, 2020, the Executive Director of the Washington State Bar Association, submitted proposed disciplinary procedural rules, known as the Rules for Discipline and Incapacity (RDI), to the Washington Supreme Court in accordance with **General Rule** (GR) 9. If adopted, the proposed rules would supersede and rescind the current disciplinary procedural rules, the Rules for Enforcement of Lawyer Conduct. The new rules would also supersede and rescind the Rules for Enforcement of Limited License Legal Technician (LLLT) Conduct and the Rules for Enforcement of Limited Practice Officer (LPO) Conduct.

As approved in concept by the Washington Supreme Court in June 2017, the proposed rules would create a single-portal, multi-license-type discipline and appeals system. Substantial effort was made to streamline the rules and create system efficiencies while retaining meaningful volunteer involvement in disciplinary procedures. The suggested rules would establish a professionalized adjudicative system and create one set of disciplinary procedural rules for all license types.

If the proposed rules are adopted, conforming amendments are necessary to other sets of rules that either cross-reference or give effect to the different disciplinary procedural rules for lawyers, LLLTs, and LPOs. These amendments are largely technical in nature, although some are substantive. The Executive Director simultaneously submitted proposed conforming amendments to the Court by separate GR 9.

On December 2, 2020, the Supreme Court ordered the publication of the proposed RDI and the proposed conforming amendments for comment through April 30, 2021. To review the proposed rules and submit a comment, visit the Court's website at https://www.courts.wa.gov/court_rules/.

